

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE: :  
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OPENAI, INC., : 25-md-3143 (SHS) (OTW)  
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 : **ORDER**  
This Document Relates To: :  
**23-CV-11195** :  
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**ONA T. WANG, United States Magistrate Judge:**

The Court has reviewed OpenAI's proposed order regarding the proposed methodology for comparing retained output log data and the output log data marked for deletion, and News Plaintiffs' response. (ECF Nos. 104, 169, 171).

The parties are directed to meet and confer by **June 23, 2025**, on OpenAI's proposed methodology and News Plaintiffs' response. Such meet and confer sessions should respond to each of News Plaintiffs' specific comments and the parties should discuss their reasons for accepting (or not) the News Plaintiffs' comments and concerns. The parties' discussion should include, but is not limited to:

- The relevant (non-overlapping) populations of data from which comparisons will be made, and the proposed methodology for making data-driven comparisons;
- The assumptions implicit and explicit in the definition of the data populations and the proposed methodology;
- The sample sizes to be drawn (and whether the parties should use Cochran's formula or another statistical analysis to calculate the same); and
- The proposed searches and keywords.

The Court will hold an In-Person, confidential settlement conference to discuss the parties' proposal(s) and any disagreement remaining, on **June 26, 2025, from 11:30 a.m. to 1:30 pm** in Courtroom 20D, 500 Pearl Street, New York, NY 10007. Each party in attendance shall send no more than two attorneys each to the settlement conference.

The parties are directed to submit a joint proposed methodology for the Court's consideration by **June 24, 2025**. This joint proposed methodology and related submissions shall be provided in lieu of the settlement submissions generally required by § VII. of my Individual Practices. If the parties disagree on any aspect of the proposal, they must summarize the dispute in one paragraph and should come to the conference prepared to discuss the dispute in detail, including whether and how each competing proposal will aid in the Court's Rule 37(e) analysis.

**SO ORDERED.**

Dated: June 18, 2025  
New York, New York

s/ Ona T. Wang  
**Ona T. Wang**  
United States Magistrate Judge